

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RENA' E. STARKS,

Plaintiff,

v.

CATHERINE CORTEZ-MASTO, et. al.,

Defendants.

2:11-cv-00933-JCM-LRL

O R D E R and RECOMMENDATION

Plaintiff has submitted an Application to Proceed *In Forma Pauperis* and a Complaint (#1). The court finds that plaintiff is unable to prepay the filing fee. However, for the reasons set forth below, the court recommends that the Complaint be dismissed with prejudice as irrational and frivolous.

I. In Forma Pauperis Application

Plaintiff has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, plaintiff's request to proceed *in forma pauperis* will be granted pursuant to § 1915(a).

II. Screening the Complaint

Upon granting a request to proceed *in forma pauperis*, a court must additionally screen a complaint pursuant to § 1915(e). Specifically, federal courts are given the authority to dismiss a case if the action is legally "frivolous or malicious," fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. § 1915(e)(2). "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (internal quotations and citation omitted).

1 In considering whether the plaintiff has stated a claim upon which relief can be granted, all
2 material allegations in the complaint are accepted as true and are to be construed in the light most
3 favorable to the plaintiff. *Russell v. Landrieu*, 621 F.2d 1037, 1039 (9th Cir. 1980). Allegations of a
4 pro se complaint are held to less stringent standards than formal pleading drafted by lawyers. *Haines*
5 *v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). When a court dismisses a complaint under § 1915(e),
6 the plaintiff should be given leave to amend the complaint with directions as to curing its deficiencies,
7 unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment.
8 *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (citation omitted).

9 **III. Instant Complaint**

10 Plaintiff has filed a twenty-nine page complaint, attached to which are approximately 160 pages
11 of material, including letters from attorneys, criminal complaints, and a search warrant, among other
12 things. Plaintiff's typed statement, though styled as a Complaint, is incomprehensible as such.
13 Plaintiff complains, alternately, about a criminal investigation related to medical marijuana, difficulties
14 with past legal representation, the Mortgage Lending Division Commissioner's office, as well as
15 Nevada Attorney General, Catherine Cortez-Masto, among other things.

16 Her section titled Complaint Explanation states, "A brief explanation discrimination without
17 cause, tort without explanation, enslavement, and extreme humiliation, for no reason except for the
18 proof of racist like attitudes and use the entitlement to be classified as White in America and to use that
19 to mislead and break discrimination and tort, laws established to act as if no laws exist, is and to use
20 ones' office to personify this is unconstitutional and unAmerican." Complaint at 26-27. Another
21 section, Statement of Issues Presented for Review, states "The NVAG will have a pool of money to
22 entice and to be persuasive that Plaintiffs Advocate, is alleging is/has/and will be offered to be used
23 inappropriately for this take down. Alleging this money is from an EXEMPT ARBITRATION
24 AGREEMENT, that the NVAG who stole the Advocate/Owner education of Homekeepers Mortgage
25 Broker Training School and Lender Service Agreements to do business is being is the education that
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1 NVAG Cortez is using at NVAG discretion and against the Lender to take Bank of America in and out
2 of Court for funding, as NVAG sees fit or need to do so.” Complaint at 16. Such statements are typical
3 and representative of the entirety of the complaint. The court finds plaintiff’s Complaint to be
4 irrational and frivolous, and will therefore recommend that it be dismissed.

5 Accordingly, and for good cause shown,

6 IT IS ORDERED that plaintiff’s Application to Proceed *In Forma Pauperis* (#1) is GRANTED.

7 IT IS FURTHER ORDERED that plaintiff is permitted to maintain the action to conclusion
8 without necessity of prepayment of any additional fees, costs, or security. This Order granting *forma*
9 *pauperis* status shall not extend to the issuance of subpoenas at government expense.

10 IT IS FURTHER ORDERED that the Clerk of Court shall file the Complaint.

11 IT IS ALSO RECOMMENDED that the Complaint be dismissed with prejudice as irrational
12 and frivolous.

13 DATED this 24th day of June, 2011.

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17 **LAWRENCE R. LEAVITT**
18 **UNITED STATES MAGISTRATE JUDGE**
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